

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:18-cv-00273-FDW**

**JAMES DAVID NANNEY,**

**Petitioner,**

**vs.**

**ERIC A. HOOKS,**

**Respondent.**

**ORDER**

**THIS MATTER** is before the Court upon James David Nanney's motion for a certificate of appealability. (Doc. No. 11.) The Court dismissed Petitioner's amended 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus (Doc. No. 4) as untimely. (Doc. No. 7.) In its order dismissing the Petition, the Court denied Petitioner a certificate of appealability. (Doc. No. 7 at 5 ¶5.) Accordingly, the instant motion for a certificate of appealability is moot.

**IT IS, THEREFORE, ORDERED** that Petitioner's motion for a certificate of appealability (Doc. No. 11) is **DENIED**.

Signed: September 19, 2019



Frank D. Whitney  
Chief United States District Judge

